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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/402,472  | 11/30/1999  | DANIEL CELERIER      | 0143-0473-6-PCT     | 5980             |
| 22850   | 7590        | 12/22/2003           | EXAMINER            |                  |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.<br>1940 DUKE STREET<br>ALEXANDRIA, VA 22314 |             |                      |                     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |

DATE MAILED: 12/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

|  |                                      |  |  |
|--|--------------------------------------|--|--|
| <b>Notification of Non-Compliance<br/>With 37 CFR 1.192(c)</b> | <b>Application No.</b><br>09/402,472 | <b>Applicant(s)</b><br>CELERIER ET AL. |  |
|  | <b>Examiner</b><br>Marc Jimenez      | <b>Art Unit</b><br>3726                |  |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 16 October 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.


To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☒ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☒ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☒ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☒ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet

*[Handwritten Signature]*  
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Continuation of 9. Other (including any explanation in support of the above items): With respect to item number 4, the brief does not refer to the specification by page and line number. With respect to item number 5, the brief does not contain a concise statement of the issues presented for review and a heading for each issue under review. The brief does not indicate the statute, for example, an issue would be as follows: "ISSUE 1: Whether Claim 8 is obvious under 35 U.S.C. 103(a) over U.S. Patent No. 4,526,672 (Reed) in view of U.S. Patent No. 3,429,171 (Feher)". With respect to item number 6, the brief does not present arguments why claims 8 and 13 do not stand or fall together. With respect to item numbers 1 and 7, in the arguments section of the brief, there are no separate headings for each issue under appeal and arguments under each separate heading. With respect item number 1 and 7, in the argument section of the brief, there is no argument that specify the specific limitations in the rejected claims which cause the rejection to be in error. There is only a broad statement that Reed is related to a different field of art than Feher and Olson on page 6, lines 17-20. There is no explanation of why features disclosed in one reference may not properly be combined with features disclosed in another reference because no specific features are identified in the brief. Under the argument section, there is a citation of a Declaration provided by Alain Pierdet, however, this declaration does not address the Reed, Feher or Olson references and therefore is not a proper argument against these references. Appellant is reminded that a new brief must be filed in triplicate. Appellant is also requested to carefully review MPEP 1200 and 37 CFR 1.192(c) to ensure that the appeal brief is in the correct order.

  
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